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21 **Counsel for Plaintiff**

22  
23 IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
24 SAN FRANCISCO DIVISION

25 CENTER FOR BIOLOGICAL DIVERSITY, )

26 Plaintiff, )

27 vs. )

28 DIRK KEMPTHORNE, et al., )

Defendants. )

Case No. 3:08-cv-4594-PJH

**STIPULATION AND PROPOSED  
ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE**

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3 WHEREAS, this action concerns a challenge to the U.S. Fish and Wildlife Service's 2005  
4 designation of critical habitat for the Pacific coast population of the threatened western snowy plover  
5 under the Endangered Species Act;

6 WHEREAS, a case management conference is set for January 8, 2009 at 2:30 p.m. in this  
7 action;

8 WHEREAS, Plaintiff and Federal Defendants are exploring settlement of this case and  
9 believe it would be more fruitful and efficient for the parties and the Court to allow a reasonable  
10 period for such settlement discussions to conclude or further develop before the case management  
11 conference; and

12 WHEREAS, the case management conference has not been previously continued.

13 Accordingly, IT IS HEREBY STIPULATED by and among the parties through their  
14 respective counsel, that with the approval of the Court, the case management conference in this  
15 action currently set for January 8, 2009 be continued to ~~March 12, 2009~~ April 2, 2009 at 2:30 p.m.

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17 Respectfully submitted,

18 RONALD J. TENPAS  
19 Assistant Attorney General  
Environment and Natural Resources Division

20 JEAN E. WILLIAMS, Chief  
21 LISA L. RUSSELL, Assistant Chief

22 Dated: December 23, 2008

By: /s/ Clifford E. Stevens, Jr.  
23 CLIFFORD E. STEVENS, JR., Trial Attorney  
24 Counsel for Defendants

25 Dated: December 23, 2008

By: /s/ Melissa Gale Thraillkill  
26 MELLISSA GALE THRAILKILL  
Center for Biological Diversity

27 Dated: December 23, 2008

By: /s/ John T. Buse  
28 JOHN T. BUSE

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Dated: December 23, 2008

Center for Biological Diversity

By: /s/ Andrew Orahoske

ANDREW ORAHOSKE

Center for Biological Diversity

Counsel for Plaintiff

**ORDER**

PURSUANT TO STIPULATION, IT IS IT IS SO ORDERED.

Dated: 1/5/09

